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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 SHERYL MOULTON, }
9 Plaintiff, }
10 v. } 3:08-cv-176-RCJ-RAM
11 EUGENE BURGER MANAGEMENT }
12 CORPORATION, et al., }
13 Defendants. }
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15 On April 20, 2011, the Ninth Circuit remanded this case for the limited purpose of
16 allowing this Court to rule on Plaintiff Sheryl Moulton's timely request for an extension of time
17 to appeal. (Order (#146)). The Ninth Circuit noted that "although the March 7, 2011 notice of
18 appeal was not filed within 30 days after the district court's judgment entered on January 18,
19 2011, appellant's notice of appeal contains a timely request for an extension of time pursuant
20 to Federal Rule of Appellate Procedure 4(a)(5). The district court has not ruled on that
21 request." (*Id.* at 1).

22 The Court now denies Moulton's request for an extension of time to file a notice of
23 appeal (#141). The Court denies as moot Defendants Gayle A. Kern and Gayle A. Kern, Ltd.'s
24 Motion for Leave to File Opposition to Plaintiff's Motion for Extension to File Untimely Notice
25 of Appeal (#147).

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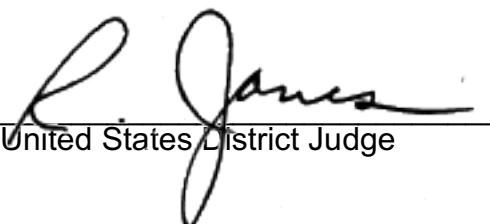
1 **CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that Moulton's request for an extension of
3 time to file a notice of appeal (#141) is DENIED.

4 IT IS FURTHER ORDERED that Motion for Leave to File Opposition to Plaintiff's Motion
5 for Extension to File Untimely Notice of Appeal (#147) is DENIED as moot.

6 IT IS FURTHER ORDERED that a copy of this order be served to the Ninth Circuit.

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8 DATED: This 5th day of July, 2011.

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11 United States District Judge
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